

No. PD-1213-20

STATE OF TEXAS,	§	IN THE TEXAS	FILED
<i>Petitioner</i>	§		COURT OF CRIMINAL APPEALS
	§		5/12/2021
	§		DEANA WILLIAMSON, CLERK
Vs.	§	COURT OF	
	§		
BOBBY CARL LENNOX,	§		
A/K/A BOBBY CARL LEANOX,	§		
<i>Respondent</i>	§	CRIMINAL APPEALS	

RESPONDENT'S MOTION TO EXTEND TIME TO FILE BRIEF

Respondent, Bobby Carl Lennox, a/k/a Bobby Carl Leanox, requests that the Court extend time to file Respondent's brief on the merits.

A. Introduction

1. Bobby Carl Lennox is the Respondent. The State of Texas is the Petitioner.
2. Respondent requests thirty (30) days to file Respondent's brief on the merits, extending the deadline from May 13, 2021 to June 14, 2021.

B. Argument and Authorities

3. The court may extend time to file the brief under the authority of Texas Rule of Appellate Procedure 38.6(d).
4. Respondent's brief on the merits is currently due May 13, 2021. A thirty day extension would place the new deadline on June 12, 2021. However, that is a Saturday, so the extended deadline would be to the following Monday, June 14, 2021.
5. No prior extension has been granted to Respondent to extend time to file

Respondent's brief.

6. The State filed its brief on the merits on April 13, 2021. However, appellate counsel had the following overlapping deadlines and commitments:

- *Jones v. LaSalle Corrections*, No. 5:19-CV-104 (E.D. Tex.), is a section 1983 civil rights case in the Eastern District of Texas. Jury selection was on May 26. Additionally, the jury trial was from May 3 to May 6, 2021. Trial preparation and the trial of the case fully involved appellate counsel time until May 6, 2021.
- *Nash v. Nash*, Cause No. 06-21-00013-CV; appeal pending in Sixth Court of Appeals, appellant's brief was originally due on April 30, 2021. Appellate counsel has been working on that deadline as well. However, both the clerk's record and reporter's record contained omissions and numerous supplementation had to be requested and made. Therefore, an extension of that deadline was received to June 1, 2021.
- *Williams v. State of Texas*, Cause No. 06-21-00018-CR; appeal pending in Sixth Court of Appeals, the appellant's brief is currently due May 28, 2021.

This appeal involved a very complex statutory issue and substantial time will be required for research and brief the legal issues involved. Appellate counsel does not currently have sufficient time to do so.

7. Additionally, Respondent's attorney has a large caseload of pending appellate matters as follows (listed oldest to most recent):

Amos v. Jefferson,
Cause No. 19-40286; appeal pending in 5th Circuit Court of Appeals

United States v. Moya,
Cause No. 20-40393; appeal pending in the 5th Circuit Court of Appeals

Lowe v. Brookshire Grocery Company,
Cause No. 06-20-00043-CV; appeal pending in Sixth Court of Appeals

Wesley v. State of Texas,
Cause No. 06-20-00096-CR; appeal pending in Sixth Court of Appeals

United States v. Hayden,
Cause No. 20-40585; appeal pending in 5th Circuit Court of Appeals

Nash v. Nash,
Cause No. 06-21-00013-CV; appeal pending in Sixth Court of Appeals

State of Texas v. Lennox,
Cause No. PD-1213-20;
petition for review granted in the Court of Criminal Appeals

Biggers v. State of Texas,
Cause No. 06-20-00129-CR; appeal pending in Sixth Court of Appeals

Frase v. McCormick,
Cause No. 21-40124; appeal pending in 5th Circuit Court of Appeals

United States v. Villegas,
Cause No. 21-40160; appeal pending in 5th Circuit Court of Appeals

Falkowski v. State of Texas,
Cause No. 06-21-00019-CR; appeal pending in Sixth Court of Appeals

United States v. Falcon,
Cause No. 21-40265; appeal pending in 5th Circuit Court of Appeals

Williams v. State of Texas,
Cause No. 06-21-00018-CR; appeal pending in Sixth Court of Appeals

McCloure v. State of Texas,
Cause No. 06-21-unassigned-CR; appeal pending in Sixth Court of Appeals

Lewis v. State of Texas,
Cause No. 06-21-00021-CR; appeal pending in Sixth Court of Appeals

Finally, Appellate Counsel has numerous other pending and pressing legal matters to attend to.

8. The purpose of this motion is not for delay, but so that justice may be had.

C. Certificate of Conference

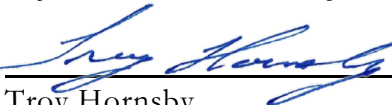
9. Respondent's counsel contacted Jeffrey W. Shell, Attorney for the State, by email who did not oppose this motion.

D. Prayer

10. For these reasons, Respondent asks the Court to grant an extension of time to file his Respondent's brief on the merits in this cause to June 14, 2021, and for such other and further relief to which he may be entitled.

Respectfully submitted,

Miller, James, Miller & Hornsby, L.L.P.

By: 

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CERTIFICATE OF SERVICE

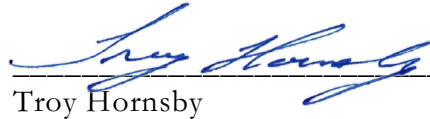
This is to certify pursuant to Texas Rule of Appellate Procedure 9.5(a) that on May 10, 2021, I served a true and correct copy of the foregoing electronically filed document on the party or attorney on file with the electronic filing manager and that the electronic transmission was reported as complete.

Additionally, pursuant to Texas Rule of Appellate Procedure 9.5(b), a true and correct copy of the above and foregoing document has also been forwarded by the U.S. Mail or by email (as indicated) on all interested parties listed below:

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Troy Hornsby

Automated Certificate of eService

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Status as of 5/10/2021 9:12 AM CST

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